

FEDERAL COMMUNICATIONS COMMISSION

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MEDIA BUREAU
AUDIO DIVISION
APPLICATION STATUS: (202) 418-2730
HOME PAGE: <http://www.fcc.gov/mb/audio/>

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September 30, 2008

Mr. Jeff Wall
The Positive Radio Network
P.O. Box 287
Freeport, ME 04032

In re: WMSJ (FM); Freeport, ME
The Positive Radio Network, Inc.
Facility ID No. 17483
Application BPED-20070907ADT

Dear Mr. Wall:

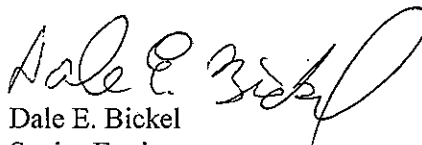
This letter is in reference to the above-captioned construction permit application to increase WMSJ's effective radiated power from 7 kW omnidirectional to 45 kW directional.

The application as filed does not comply with the provisions of Section 73.525 of the Commission's rules, relating to protection of TV Channel 6 operations from FM broadcast stations. Your application, filed in September 2007, states that

A consent agreement is pending between the applicant and Pacific and Southern Company, the licensee of WCSH, the only television channel six station within the 196 kilometer cutoff distance for FM stations on Channel 207. This application will be amended when the consent agreement is executed.

A year later, no consent agreement has been forthcoming, and the application remains in violation of Section 73.525. Accordingly, application BPED-20070907ADT is unacceptable for filing and IS DISMISSED.

Sincerely,



Dale E. Bickel
Senior Engineer
Audio Division
Media Bureau